

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Telangana State - Khammam District - Revision Petition filed by Sri Tulluri Venkateswara Rao S/o late Seethaiah R/o Manikyaram village, Singareni Mandal, Khammam District against orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.106/2003, dated 24.7.2010 in respect of land admeasuring acs.7.21 gts in Sy.No.70/AA/1 situated in Manikyaram village of Singareni Mandal, Khammam District - ALLOWED - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.69

Date:09.10.2023.

Read the following:-

1. Orders of the Agency Divisional Officer, Kothagudem in LTR case No.3/2000/Singareni, dated 16.6.2000.
2. Orders of the Additional Agent to Government & Project Officer, ITDA in CMA No.106/2003, dated 24.7.2010.
3. Revision Petition filed by Sri Tulluri Venkateswara Rao S/o late Seethaiah R/o Manikyaram village, Singareni Mandal, Khammam District dated 12.8.2010.
4. Govt. Memo & Letter No.7247/TW.LTR/2010, dated 1.10.2010 & 29.08.2017
5. Interim orders of the Hon'ble High Court in WPMP No.25969 of 2010 in WP No.20418 of 2010, dated 18.8.2010.
6. Representation of Easala Nageswar Rao, Manikyaram (V) Singareni Mandal, Khammam Dist., dated 2.3.2022.
7. From the Agency Divisional Officer (RDO), Kothagudem, Letter Rc.No.B/1435/2022, dated:04.06.2022.
8. Govt. Memo No.7247/TW.LTR/2010, dated 11.4.2023, 10.8.2022, 17.04.2023, 27.07.2023, 08.08.2023 and 06.09.2023.
9. Orders of Hon'ble High Court in WP No.20418 of 2010, dated 28.02.2023.
10. Govt.Notice 7247/TW.LTR/2010, 14.7.2023, 27.7.2023, 8.8.2023 & 06.09.2023.
11. Written arguments along with copies of pahanies filed by Counsel for Revision Petitioner, dated 14.09.2023.
12. Written arguments filed by Counsel for unofficial respondent, dated 14.09.2023.
13. From the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Lr.Rc.No.A3/260/2023, dated 3.10.2023.

ORDER:

In the reference 3rd read above, Sri Tulluri Venkateswara Rao S/o late Seethaiah R/o Manikyaram Village of Singareni Mandal, Khammam District has filed the Revision Petition along with stay petition before the Government against orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.106/2003, dated 24.7.2010 in respect of land measuring acs.7.21 gts in Sy.No 70/AA/1 situated in Manikyaram Village of Singareni Mandal, Khammam District.

2. The case is that initially LTR case No.3/2000/Singareni was initiated by the Agency Divisional Officer, Kothagudem on the representation dated 27.03.2000 of one Esala Nageswara Rao (Petitioner) stating that immovable property admeasuring acs.7.21 gts (as described in the schedule of the order) is under the possession of one Tulluri Venkateswarlu (Respondent) against provisions of the Land Transfer Regulation.

3. Accordingly, in the reference 1st read above, the Agency Divisional Officer, Kothagudem after conducting hearings passed orders on 16.6.2000 - gist of which is as under:

- Respondent produced pahani extracts from 1958-59, 1960-61 and 1996-97 and land revenue receipts from 1960-61 onwards.

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- On verification of patta certificate produced by the petitioner and pahani extracts, land revenue receipts produced by the Respondents and also verified the pahanies of Manikyaram (v) of Singareni Mandal, the extent indicated in Sy.No.70/ , AA acs.7.21 gts is patta land with the name of Thulluri Venkateswarlu. As per pahani 1960-61 for Sy.No.70/AA, acs.7.21 stands patta in the name of Tulluri Achaiah. As per Pahani 1968-69 for Sy.No.70/ an extent of cas.4.16 stands patta in the name of Esala Venkatappaiah under occupation of Nenikar Venkayya.
- On examination of material evidence available on record, it is revealed that the allegations of petitioner regarding occupation of his patta land in Sy.No.70, acs.10.00 is not correct. As per survey numbers pertains to the petitioner and respondents are not overlapping i.e. 70/ , acs.4.16 and 70/AA acs.7.212.
- As such this case will not come under LTR Act 1/59 before crucial date as on 1.12.1963 as the petitioners land is in Sy.No.70/ , acs.4.16 and respondents in Sy.No.70/AA acs.7.21 – both survey numbers and extent are not the same. Hence, the allegations leveled against respondent not genuine. Hence, case dropped.

4. As certain allegations have been levelled against the former Revenue Divisional Officer, Kothagudem in dealing LTR cases and in passing judgements in favour of non-tribals/tribals, as per the instructions of the District Collector, Khammam, the Joint Collector, Khammam had conducted enquiry into the allegations, verified some disposed LTR cases and submitted enquiry report to the District Collector, Khammam. Out of the cases verified and reported by the Joint Collector, Khammam, the LTR case No.3/2000/SNG is also one of the case in which the then Revenue Divisional Officer dropped the case irregularly. As such, the Agent to Government, Khammam had taken it up as an appeal on suo-motu and transferred to the Additional Agent to Government, Bhadrachalam for trial and disposal vide his Rc.No.CMA/14/2003 on 25.11.2003. The suit schedule land is acs.7.21 gts in Sy.No.70/AA/1 of Manikyaram (V) of Singareni (M). The transferred case was renumbered in the court of Additional Agent to Government, Bhadrachalam as CMA 106/2003 between Eesala Nageswara Rao as Appellant and Talluri Venkateswarlu as Respondents and taken up trial.

5. In the reference 2nd read above, the Additional Agent to Government, Bhadrachalam had conducted hearings and passed orders on 24.7.2010 – gist of which is as under:

- As seen from the lower court case file, one Eesala Nageswar Rao filed an application dated 28.3.2000 before Agency Divisional Officer, Kothagudem stating that ac.10.00 of land in Sy.No.70 was occupied by non Tribal Talluri Venkateswarlu S/o Seethaiah. Basing on the said application, the LTR case was initiated between them.
- On verification of record, the lower court has not properly enquired the matter in detail, because tribal petitioner case is that non-tribal respondent occupied ac.10.00 of land in Sy.No.70, but the lower court initiated case for ac.7.21 gts in Sy.No.70/AA/1. Therefore, the lower court not properly enquired the case.
- The respondent also raised a contention that the appellate court has no suo-motu appeal power. The Section 3 (2) (a) Regulation reads as follows: "The Agent, Agency Divisional Officer or any prescribed officer, may on application or suo-motu pass ejectment orders against the person who is in possession of land in contravention of Regulation." As per this, appellate authority is also empowered to take suo-motu cases. There is no discretion in the section saying that suo-motu power for appeals suo-motu for appeals, suo-motu for Revision power. Suo-motu power means, suo-motu for all. The Agent is competent to take up suo-motu appeals when patent irregularities are found. Therefore, disagreed

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with the contention of respondent that the Agent to Government, Khammam/Additional Agent to Government, Bhadrachalam has no suo-motu power to take up appeal. The Regulation nowhere mentioned that the appellate authority has no suo-motu power.

- The Appeal was disposed setting aside lower court order and also remanding to the lower court for fresh enquiry by obtaining a factual report from Tahsildar, Singareni with regard to the actual dispute of land and Tahsildar also directed to locate correct survey number and submit report to Agency Divisional Officer, Kothagudem within (15) days from the date of receipt of the order. The lower court was also directed to consider the above points and decide the case within (3) months.

6. Aggrieved by the orders of the Additional Agent to Government, Bhadrachalam, in the reference 3rd read above Sri Tulluri Venkateswar Rao S/o late Seethaiah R/o Manikyaram village, Singareni Mandal, Khammam District has filed the present Revision Petition before the Government on 12.8.2010 through his Counsel M/s.R.Kameswara Rao & R.R.Kalyan, Advocates, Hyderabad, urging the following grounds:

- i) His grandfather Tulluru Atchaiah is the Shikmi Pattedar of the dryland in Sy.No.70/AA extent of ac.7.21 gts situated in Manikyaram Village, Singareni Mandal, Khammam Dist. The pahanies of the village also shows that the petitioner and his ancestors are also in possession and enjoyment of the said land by raising crops. The pahanies from the year 1958 are herewith filed. The title deeds and pattedar pass books were also issued in the year 1997 for the said land on the name of petitioners mother Kantamma and on the name of the petitioner under A.P.Record of Rights in Land Act, 1971. The petitioner mother died in the year 2004. The petitioner is cultivating her land during the life time of his mother and after her death the said land is in possession and enjoyment of the petitioner.
- ii) The Agency Divisional Officer, Kothagudem had taken up proceedings under the A.P. Scheduled Areas Land Transfer Regulation in case No.3/2000/Singareni. The case was initiated on the basis of a petition given by the 1st Respondent against the petitioner. The inquiry was conducted under the provisions of the Regulation. The Petitioner has filed the documents. After considering the documents the orders passed dated 16.6.2000 stating that on verification of the records it is found the land in Sy.No.70/AA extent of Ac.7.21 gts is the patta land of petitioner and also observed the patta stands in the name of Talluri Achaiah, the grandfather of the petitioner. Further, it is also observed that land in Sy.No.70/ , to an extent of ac.4.16 gts is the patta land of the 1st respondent and is in possession of one Nenikar Venkaiah. Accordingly, the proceeding was dropped. The order became final as the 1st respondent did not file any appeal.
- iii) The Agent to Government, Khammam had taken up suo-motu appeal against the said orders for the reason that the then Agency Divisional Officer committed irregularities in passing the order. Further after taking up the matter suo-motu, transferred the appeal to the Additional Agent to Government, Bhadrachalam and it was numbered as CMA No.106/2003. The Additional Agent to Government, Bhadrachalam passed orders dated 24.7.2010 observing the lower court has not properly verified the records, that the Agent has the power u/s.3(2)(a) of the Regulation to take up the appeal suo-motu. Further, it is observed the 1st respondent case is non-tribal occupied in Sy.No.70 extent of ac.10.00 and the lower court taken up the proceedings in respect of Sy.No.70/AA/1 extent ac.7.21 gts., and that set aside the lower court order and remanded. It was also directed to the Tahsildar to submit report within 15 days about actual dispute of land to locate correct survey number and on that basis lower court has to pass orders. Against the said orders, the present revision is filed. The copy of order was received by the Advocate on 4.8.2010.

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- iv) The Additional Agent should have seen that the petition was filed by the 1st respondent against the petitioner. As such the land in possession of the land of the petitioner was considered and dropped the proceedings having found the petitioner is the pattedar of the lands.
- v) The Additional Agent also having found that the land of the petitioner and the 1st respondent lands are different from one another, grossly erred in setting aside the order passed by the Agency Divisional Officer.
- vi) The Additional Agent ought to have seen that exercising the power under the Regulation 1 of 1959 is a special jurisdiction to determine the limited question the transfer of the immovable property is in contravention of the provisions of the Regulation or not. And any other question is outside the scope of the proceedings under Regulation as held by the High Court reported in AIR 1982 AP 1. G.Narsa Reddy vs. Collector, Adilabad.
- vii) The Additional Agent grossly erred in directing the Tahsildar to submit report about the factual dispute and to locate the correct survey number. The 1st respondent has categorically stated that his land is Sy.No.790 and the finding is some Venkaiah is in occupation of the land. The authorities and including the Additional Agent has no power under the Regulation to order for survey or localization of the lands. The said power is with the civil courts. Accordingly direction issued is without jurisdiction.
- vii) The Additional Agent erred in passing order directing the Agency Divisional Officer to consider and pass orders on the report submitted by the Tahsildar, that is, the Tahsildar was empowered to build up the case and decide the matter.
- viii) The observation by the Additional Agent suo-motu power means, suo-motu for all and has the power to take upb the appeal is illegal. The Agent or Additional Agent has no power conferred under the Regulation to take up the appeal suo-motu. As such the orders are without jurisdiction.
- ix) The other reasons given by the Additional Agent in passing the orders are illegal, without jurisdiction and contrary to the provisions of the Regulation.
- x) Therefore, prayed to call for records in CMA No.106 of 2003 on the file of the Additional Agent to Government, Bhadrachalam and a) to set aside orders passed in CMA No.106 of 2003, dated 24.7.2010; b) to stay all further proceedings in pursuance of the above orders passed by the Addl. Agent to Government pending disposal of the above revision, and c) to pass such other order or orders in the interest of justice.

7. In the reference 4th read above, Government admitted the above revision petition duly rejecting the request for grant of stay on the Order of Additional Agent to Government, Bhadrachalam in CMA No 106/2003, dated 24.07.2010 and copy of the Revision Petition was sent to the Additional Agent to Government, Bhadrachalam with a request to furnish send para-wise remarks and connected case records in the matter, so as to dispose of the Revision Petition.

8. In the reference 5th read above, the Hon'ble High Court of Judicature at Hyderabad has granted Interim Stay as prayed for by the Revision Petitioner herein in WPMP No.25969 of 2010, dated 18.8.2010 in WP No.20418 of 2010.

9. In the reference 9th read above, the Hon'ble High Court has disposed the above WP 20418 of 2010 on 28.02.2023 making the following order (operative part is extracted below)

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"5. This Writ Petition is disposed of directing the respondent No.1 to dispose of the revision petition filed by the petitioner within a period of four months from the date of receipt of the copy of this order after giving opportunity to the petitioner and unofficial respondents in accordance with law. Till such time, the Interim order granted by this Court on 18.08.2010 shall continue.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition, shall stand closed."

10. In the reference 10th read above, Government have issued the notices to the concerned parties to attend the hearing on 26.08.2023 and 14.09.2023 at 3.00 PM.

11. During hearing on 14.9.2023, the Counsel for Revision Petitioner in the reference 11th read above, has submitted the written arguments along with copies of pahanies – gist of the arguments is as follows:

- i) The grandfather of the petitioner i.e. Tulluru Achaiah is the Pattedar of dry agricultural land admeasuring ac.7.21 guntas in Sy.No.70/AA situated at Manikyaram village, Singareni Mandal, Khammam District. The copies of pahanies for the years 1955-56; 1958-59 and 1960-61 and continuously his name was shown as pattedar in revenue records till now.
- ii) After the death of his grandfather and father, the name of the petitioner's mother viz., Kanthamma W/o Seethaiah was recorded as Pattedar for the land admeasuring ac.5.21 guntas in Sy.No.70/AA of Manikyaram village and petitioner's name was recorded for the land admeasuring ac.2.00 in the same survey number. Accordingly, Pattedar Passbooks were also issued, to the petitioner and his mother, by the Tahsildar, Singareni Mandal, in the combined State of Andhra Pradesh, under A.P.Records of Rights in Land Act, 1971.
- iii) Subsequently, the mother of the petitioner viz., Kanthamma died in the year 2004. The petitioner being successor and the property being ancestral property, thus, the petitioner has been cultivating the total land admeasuring acs.7.212 guntas in Sy.No.70/AA of the Manikyaram village.
- iv) The petitioner, from his ancestors i.e., his forefathers time to till date, has been continuing physical possession and enjoyment of the total land admeasuring acs.7.212 guntas in Sy.No.70/AA by raising crops without any interference.
- v) It is pertinent to mention that, as per the entries made in the revenue records in the names of petitioner's family, since 1955-58, 1958-59 and 1959-61 and continuously, the pahanies show that the land admeasuring acs.7.21 guntas in Sy.No.70/AA is a patta land of hereditary property but not purchased from any scheduled tribe. Further, as per Section 3 (4) of T.S. Telangana Area Scheduled Areas Land Transfer Regulation, 1959 (the transfer as defined 2 (g) of the said regulation) does not include a partition of devolution of land by succession.
- vi) The subject land was succeeded by the petitioner from his ancestors by way of succession and inheritance, hence the question of violating the regulations does not arise.
- vii) The case of the Respondent No.1 Eesala Nageswara Rao is that he filed representation before the Revenue Divisional Officer, Kothagudem on 27.3.2000 alleging that he is having patta for the land ac.10.00 in Sy.No.70 of Manikyaram village, which is occupied by the petitioner, against rule 10 of AP (SA) Land Transfer Regulation Rules, 1969.

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- viii) Basing on the representation of Eesala Nageswar Rao, LTR case No.3/2000/Singareni was registered by the Revenue Divisional Officer, Kothagudem and after hearing both sides and on perusal of revenue records, the Revenue Divisional Officer held that the land held by the petitioner herein is patta land as per pahanies for the year 1960-61 the land stands in the name of Tulluru Achaiah i.e., grandfather of the petitioner herein and the land of Respondent No.1 is an extent of ac.4.16 stands in the name of Eesala Venkataiah in Sy.No.70/Ingjna and both lands are separate and distinct and the land of Respondent No.1 is in the possession of Nenikar Venkaiah as per entries in Pahanies.
- ix) The Agent to Government i.e. District Collector, Khammam suo-motu reopened some of LTR cases disposed by the then Revenue Divisional Officer, Kothagudem on certain allegations. Unfortunately, the petitioner's case is out of such one. The facts remain that Eesala Nageswar Rao never appealed against orders of the Revenue Divisional Officer, Kothagudem.
- x) The Collector, Khammam after reopen of the case, assigned the same to Joint Collector, Bhadrachalam for disposal. The Joint Collector, Bhadrachalam numbered the case as CMA 106 of 2003 and after hearing both sides disposed the case on 24.07.2010 by remanding the case to Revenue Divisional Officer.
- xi) The Joint Collector in his order dated 24.07.2010 held that the authority has suo-motu powers to reopen the case and the lower court not properly enquired, therefore, the order dated 16.6.2000 passed by the Revenue Divisional Officer, Kothagudem in LTR case No.3/2000/Singareni is set-aside and the case remanded back to the lower court for disposal by obtaining factual report from Tahsildar, Singareni with regard to actual dispute and Tahsildar was directed to survey and locate correct survey number and report to the agency Divisional officer within 15 days.
- xii) The petitioner herein challenged the orders dated 24.07.2010 passed in CMA 106 of 2003 before the Hon'ble High Court by filing WP No.20418 of 2010 and the Hon'ble High Court disposed the writ petition on 28.2.2023 directing the Government to dispose of the revision petition filed by the petitioner within a period of four months till such time stay granted shall continue.
- xiii) The petitioner submits that the petitioner did not acquire the land by way of purchase from any schedule tribe but he acquired the land by virtue of succession from his grandfather viz., Tulluru Achaiah. Therefore, the LTR case against the petitioner is not tenable and liable to be dismissed.
- xiv) The petitioner did not occupy the land of the respondent No.1, since he is the pattedar along with physical possession from his ancestral. Therefore, the question of petitioner occupying the land of the respondent No.1 is false.
- xv) Copies of the following pahanies are submitted by the Counsel for Revision Petitioner.

Year	Sy.No.	Extent	Pattedar	Enjoyer
1954-55 to 1956-57	70	7.21	Tulluru Achaiah	Tulluru Achaiah
1996-97	70/AA1	7.21	Tulluru Achaiah	Tulluru Venkateswara Rao 2.00 acs Tulluru Kantamma 5.21 acs.
1998-99	70/AA1	2.00	Tulluru Venkateswara Rao S/o Seetaiah	Tulluru Venkateswara Rao S/o Seetaiah

	70/AA2	5.21	Tulluru Kantamma	Tulluru Kantamma
1999-2000	70/AA1	2.00	Tulluru Venkateswara Rao S/o Seetaiah	Tulluru Venkateswara Rao S/o Seetaiah
	70/AA2	5.21	Tulluru Kantamma	Tulluru Kantamma
2002-2003	70/AA1	2.00	Tulluru Venkateswara Rao	Tulluru Venkateswara Rao
	70/AA2	5.21	Tulluru Kantamma	Tulluru Kantamma
2003-2004	70/AA1	2.00	Tulluru Venkateswara Rao	Tulluru Venkateswara Rao
	70/AA2	5.21	Tulluru Kantamma	Tulluru Kantamma

12. Therefore, the revision petitioner has prayed the Hon'ble Authority to dismiss the orders dated 24.07.2010 passed in CMA 106 of 2003 by the Additional Agent to Government/Joint Collector, Bhadrachalam and restore the orders passed by the Agency Divisional Officer, Kothagudem dated 16.6.2000 in LTR case No.3/2000/Singareni and pass such order or other orders in the interest of justice.

13. In the reference 12th read above, the Counsel for unofficial respondent i.e. Eesala Nageswara Rao has also filed written arguments reiterating part of history of the case – however, gist of remaining contentions is as under:

i) The issue raised in the revision petition is baseless and vague. The respondent initially raised a petition before the Collector, Khammam against the petitioner since he has encroached and occupied his land to an extent of acs.10.00 gts in Sy.No.70 of Manikyaram village of Khammam District.

ii) The Respondent belongs to ST - Koya and lands are covered under LTR 1/1959 which are scheduled lands in Sy.No.70 of which land for an extent of ac.2171.00 is forest land and the remaining land belongs to Government for which Government granted pattas to the tribals. The respondent obtained patta for 11 acres and recorded their family members names in revenue record for acs.10.00 in Sy.No.70. Patta No.T26160090008 in favour of Eesala Chukkamma W/o Veeraswamy to an extent of acs.4.00 in Sy.No.70/A/1/A, Patta vide Khata No.T260090556 to an extent of acs.3.00 in Sy.No.70/A/1/5/2/2 in favour of Eesala Ramaiah and acs.4.16 gts in Sy.No.70/ , in favour of Eesala Venkatappaiah – i.e. total 11.16 gts in Sy.No.70.

iii) The Revenue Divisional Officer without proper enquiry has passed orders in favour of petitioner herein to an extent of acs.7.21 gts that to in Sy.No.70/AA/1 which is not concerned with his land.

iv) Copies of following documents are enclosed by Counsel for Respondent:

1. PPB No.T2616009008 issued in favour of Eesala Chukkamma W/oVeeraswamy for an extent of acs.6.00 in Sy.Nos.5/E-2, Sy.No.70/A/1/A, Sy.No.77/3/1.
2. PPB No.T26160090556 issued in favour of EesalaRamaiah S/o Pottaiah for an extent of acs.3.00 in Sy.No.70/A/1/5/2/2 (both situated in Manikyaram village of Singareni Mandal, Khammam District).
3. PPB Khata No.60393 in favour of Eesala Papa Rao S/o Eesala Chukkamma for an extent of acs.1.20gts in Sy.No.70/A/1/6A/2.
4. PPB Khata No.60135 in favour of EesalaRamaiah S/o Pottaiah for an extent of acs.3.00 in Sy.No.70/A/1/5/2/2.

From the above documents, the following extents of land falling in Sy.No.70 in favour of Eesala family members.

Sy.No.	Extent	Name of Pattedaer
70/A/1/6A	4.00	Eesala Chukkamma W/o Veeraswamy
70/A/1/5/2/2	3.00	Eesala Ramaiah S/o Pottaiah

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70/A/1/6A/2	1.20	Eesala Papa Rao S/o Chukkamma
70/A/1/5/2/2	3.00	Eesala Ramaiah S/o Pottaiah
Total	11.20	

v) The Revision Petition occupied land belongs to Government land in Sy.No.70 to an extent of acs.7.21 gts and obtained pattedar pass books in scheduled are against 1/70 Act. Therefore, prayed:

- to restore petition schedule land to an extent of ac.10.00 out of 11.16 gts in Sy.No.70 (in Sy.No.70/A/1/A; acs.4.00 in Sy.No.70/ , acs.4.16 gts in Sy.No.70/A/1/5/2/2 acs.3.00) from non-tribal petitioner; and
- to take government custody in survey No.70 to an extent of ac.7.212 gts; 70/aa/1 to an extent of ac.5.21 gts and 70/aa1, 2.00 gts and direct cancellation of title deed under law.

14. The Senior Assistant O/o Tahsildar, Singareni Mandal, Khammam District was present with the original record and also submitted copies of pahanies. Copies have been verified with the original record of the village Manikyaram and tallied/correct.

Year	Sy.No.	Extent	Pattedar	Enjoyer
1955-56 to 1957-58	70	7.21	Tulluru Achaiah	Tulluru Achaiah
1963-64	70/AA	7.21	Tulluru Achaiah	Tulluru Achaiah
1975-76	70/AA/1	7.21	Tulluru Achaiah	Tulluru Achaiah
1987-88	70/AA/1	7.21	Tulluru Achaiah	Tulluru Achaiah
1995-96	70/AA/1	2.00	Tulluru Venkateswara Rao S/o Seetaiah	Tulluru Venkateswara Rao S/o Seetaiah
	70/AA/2	5.21	Tulluru Kantamma	Tulluru Kantamma
2003-04	70/AA/1	2.00	Tulluru Venkateswara Rao	Tulluru Venkateswara Rao
	70/AA/2	5.21	Tulluru Kantamma	Tulluru Kantamma
2004-05	70/AA/1	2.00	Tulluru Venkateswara Rao	Tulluru Venkateswara Rao
	70/AA/2	5.21	Tulluru Kantamma	Tulluru Kantamma
2007-08	70/AA/1	2.00	Tulluru Venkateswara Rao	Tulluru Venkateswara Rao
	70/AA/2	5.21	Tulluru Kantamma	Tulluru Kantamma
2012-13	70/AA/1	2.00	Tulluri Venkateswara Rao	Tulluri Venkateswara Rao
	70/AA/2	5.21	Tulluri Kantamma	Tulluri Kantamma
2015-16	70/AA/1	2.00	Tulluri Venkateswara Rao	Tulluri Venkateswara Rao
	70/AA/2	5.21	Tulluri Kantamma	Tulluri Kantamma

15. In the reference 13th read above, the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam has submitted original record in CMA No.106/2003 along with para-wise remarks – gist of the remarks is as under:

- The reasons for taking up suo-motu is that Sri Eesala Nageswara Rao (1st respondent herein) is a Tribal petitioner and respondent (petitioner herein) is a non-tribe. The lower authority not properly verified the records and dropped the proceedings in favour of non-tribe.
- The respondent's contention is that the appellate authority has no suo-motu power to take up the case.
- As seen from the lower court case file Sri Eesala Nageswara Rao filed an application dated 28.3.2000 before the Agency Divisional Officer, Kothagudem stating that extent of ac.10.00 land in Sy.No.70 was

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occupied by non-tribal Sri Tulluri Venkateswarlu S/o Seethaiah (petitioner herein). Basing on the said application, the LTR case was initiated between them. As per verification of records, it is found that the lower court has not properly enquired and passed orders. Appellant's case is that non-tribal respondent occupied extent ac.10.00 in Sy.No.70, but the lower court initiated case for ac.7.21 gts in Sy.No.70/AA/1 and it is clear that the lower court has not properly enquired the case.

- iv) The respondent (petitioner herein) also raised a contention that the appellate court has no suo-motu appeal power. As per section 3 (2) (a) of the Regulation, "the Agency Divisional Officer or any prescribed officer may on application or suo-motu pass ejectment orders against the person who is in possession of the land in contravention of the Regulation". There is no direction provided in the section about suo-motu power for appeals and for revision. The Agent is competent to take up suo-motu appeals when irregularities are found.
- v) Hence, the orders passed by the Additional Agent to Government, Bhadrachalam dismissed the appeal setting aside the lower court order, remanded to the lower court for fresh enquiry and disposal within (3) months.

16. Perused the record, as seen from the report of the Tahsildar, Singareni in Lr.Rc.No.B/3825/2007, dated 3.1.2008 – it was clearly reported that – "On verification of the pahanies of Manikyaram village for the years 1962-63 to 2004-05, it is observed that Sri Thulluru Veeraiah S/o Seethaiah (NT) is Pattedar to Sy.No.70/EE to acs.40.24 gts and Sri Thulluru Achaiah S/o Seethaiah (NT) is Pattedar to Sy.No.70/AA, acs.7.212 gts up to 1999-2000; Sri Veasala Venkatappaiah S/o Nagaiah (Scheduled Tribe) is Pattedar in Sy.No. 70/ to acs.4.16 gts up to 1992-93. From the year 2000-01 Sri Thulluru Venkateswara Rao S/o Seethaiah and Smt.Thulluru Kanthamma W/o Achaiah were recorded as pattedars in Sy.No.70/AA to acs.2.00 and acs.5.21 gts respectively. From the year 1993-94, Smt. Eesala Bhadramma W/o Venkatappaiah and Sri Eesala Narayana, Potteiah and Veeraswamy sons of Venkatappaiah were recorded as pattedars to Sy.No.70/ acs. 1.04 gts each and they are in continuous possession till to day.

17. The Tahsildar, Singareni further reported that on his local enquiry, it was revealed that Sri Thulluru Venkateswara Rao S/o Achaiah never cultivated the land of Sy.No.70/ , acs.4.16 gts belongs to Veasala family members. The petitioner Sri Eesala Nageswar Rao has not mentioned the sub-division No.of Sy.No.70, acs.10.00 which is said to be encroached by Thulluru Venkateswar Rao. Accordingly, the Tahsildar, Singareni submitted copies of pahni extracts for Sy.No.70/EE, acs.40.24, Sy.No.70/ , acs.4.16 gts and Sy.No.70/AA, acs.7.212 gts from the year 1962-673 to 2004-05.

18. FINDINGS:

- Upon perusal of the evidences available on record, grounds/ arguments/documentary evidences submitted by the Revision Petitioner and written arguments submitted by the counsel for Respondent (Eesala Nageswara Rao) along with copies of PPBs, it is clearly established that the family members of the tribal Respondent have their lands totally admeasuring acs.11.20 gts in Sy.Nos.70/A/1/6A, 70/A/1/5/2/2, 70/A/1/6A/2 and 70/A/1/5/2/2 – whereas lands of the revision petitioner admeasuring acs.7.21 are situated in Sy.Nos.70/AA/1 and 70/AA/2. There is also no ambiguity with regard to Sy.No.70 as the land has already been sub-divided into various pattedars as per their legitimate ownership and possession.
- Thus, there is no truth in the allegation of the respondent Eesala Nageswara Rao that the revision petitioner herein Sri Tulluri Venkateswara Rao S/o late Seethaiah has occupied/ in possession of the land of tribal

(Condt...10)

respondent for an extent of acs.10.00 in Sy.No.70 in contravention of the provisions of the Land Transfer Regulation I of 1959 (which came into force in Telangana area from 1.12.1963) and as amended by Regulation I of 1970 w.e.f. 3.2.1970. The tribal respondent and his family members are in possession of their lands situated in the survey numbers shown extent-wise as stated above and the Revision Petitioner is in rightful possession and enjoyment of his land of acs.7.21 acs in Sy.Nos.70/AA/1 and 2 from 1954-55 onwards continuously till to-date.

19. Government after careful examination of the evidences available on record and written arguments submitted by both the parties and in view of the above findings, hereby ALLOW the Revision Petition filed by Sri Tulluri Venkateswara Rao S/o late Seethaiah as he is found as rightful owner of the land admeasuring acs.7.21 gts. in Sy.No.70/AA/1 situated in Manikyaram village of Singareni Mandal in Khammam District and upholding orders of the Agency Divisional Officer, Kothagudem in LTR case No.3/2000/Singareni, dated 16.6.2000, duly setting aside orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No. 106/2003, dated 24.7.2010.

20. The Addl. Agent to Government & Project Officer, ITDA, Bhadrachalam Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam
Bhadradi Kothagudem District (By RPAD)

The Revenue Divisional Officer cum Sub Collector, Khammam. (By RPAD)

Sri Tualluru Venkateshwar Rao, S/o Late Seethaiah, Manikyaram village,
Singareni Mandal, Khammam District.(By RPAD)

Sri Eesala Nageswara Rao, S/o.late Veeraswamy, Manikyaram village,
Singareni Mandal, Khammam District. (By RPAD)

Copy to:-

The Agent to Government and District Collector,
Khammam District (By RPAD)

The Agency Divisional Officer, Kothagudem

Sri Parsa Raghavendra Rao, Advocate, H.No.1-1-215/1, Street No.8,
Andhra Bank Lane, Opp. Mother Dairy, Viveknagar, Chikadpally,
Hyderabad – 500020. (By RPAD)
(Counsel for Petitioner)

Sri Ch.Narasimha Rao, Ch.Hanumatha Rao, S.Ramesh, Advocates,
R/o.Legal Cell, ITDA, Building (PMRC), SBI Bank Complex,
Bhadrachalam, Bhadradi Kothagudem District. (By RPAD)
(Counsel for Respondent)

The Tahsildar, Singareni Mandal
Khammam District (By RPAD)

(With a direction to serve the copy of GO to concerned parties and
submit the dated acknowledgement).

The P.S to Hon'ble Minister (STW)

The P.A to Secretary (TW)

The P.A to Special Secretary (TW).

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.